

4. At all times relevant herein and at the time of the subject incident, Defendant MSSM was operating commercial motor vehicles including tractor trailers,

both intra-state and inter-state.

5. At all times relevant herein and at the time of the subject incident, Defendant MSSM's driver, Evan Khalid-Yaqo Raheeman (hereinafter referred to as "Defendant's driver") was acting in the course and scope of his employment with Defendant MSSM.

6. On or about April 21, 2018, Interstate 57 at or near Bridge 46649 was an open and public highway in Scott County, State of Missouri.

7. On or about April 21, 2018, Defendant's driver was an employee and agent of Defendant MSSM and was operating a 2006 tractor trailer, owned by Defendant MSSM, westbound on Interstate 57.

8. On or about April 21, 2018, Plaintiff Moreno was operating a tractor trailer, with Plaintiff Aguilar as a passenger, westbound on Interstate 57.

9. On or about April 21, 2018, Defendant's driver lost control of the tractor trailer and crossed the median and impacted the vehicle occupying Plaintiffs.

10. At all times relevant herein, Defendant MSSM is vicariously liable for the actions of Defendant's driver under the doctrine of respondeat superior in that Defendant's driver was an agent, servant and/or employee of Defendant MSSM and was acting as an agent, servant and/or employee of Defendant MSSM at the time of the subject collision, leading up to the subject collision, and at all times mentioned herein.

11. The subject collision occurred as the direct and proximate result of the negligence, carelessness and recklessness of Defendant's driver, while he was acting within the course and scope of his employment with Defendant MSSM, in one or more of

the following respects:

- (a) Defendant's driver, operated the tractor trailer at an excessive rate of speed for the conditions there and then existing;
- (b) Defendant's driver drove at an unsafe, excessive and dangerous rate of speed;
- (c) Defendant's driver operated Defendant MSSM's tractor trailer without adequate training and experience;
- (d) Defendant's driver failed to operate Defendant MSSM's tractor trailer under proper control;
- (e) Defendant's driver drove while tired and/or fatigued;
- (f) Defendant's driver operated the tractor trailer on the highway in such a manner that he could not stop in time to avoid a collision with an object in his vision;
- (g) Defendant's driver failed to keep a careful lookout ahead and laterally;
- (h) Defendant's driver failed to operate the tractor trailer on the correct side of the road;
- (i) Defendant's driver failed to operate the tractor trailer in a careful and prudent manner so as not to endanger the life or limb of any person, and more particularly, Plaintiffs; and
- (j) Defendant's driver operated the tractor trailer in a careless and imprudent manner in violation of R.S.Mo. § 304.010.

12. Jurisdiction and venue are proper in the Circuit Court of Scott County in that the subject incident occurred within Scott County, Missouri.

**COUNT I
PLAINTIFF MORENO'S CLAIM AGAINST DEFENDANT MSSM**

COMES NOW Plaintiff Moreno and for Count I of his cause of action against Defendant MSSM, incorporates by reference all prior allegations as though specifically set forth herein and further states as follows:

13. As a direct and proximate result of the negligence and carelessness of Defendant MSSM and Defendant's driver, Plaintiff Moreno was caused to be struck with great force and violence, which incident caused severe, permanent and progressive physical injuries to Plaintiff Moreno's neck and back causing all the various and diverse bones, joints, ligaments, tissues, cartilages and muscles to become fractured, ruptured, torn, dislocated, sprained and strained. Plaintiff Moreno's ability to carry on normal work and labor has been substantially impaired, lessened and restricted, and will in the future continue to be restricted. Plaintiff Moreno has been forced to incur various surgical, medical, physical therapy and diagnostic expenses as and for reasonable and necessary medical care and treatment of his injuries, and will in the future be forced to incur additional such medical expenses. Plaintiff Moreno's ability to engage in sporting and recreational activities and to enjoy the ordinary pursuits of life has been permanently impaired, lessened and restricted.

WHEREFORE, Plaintiff Moreno prays for judgment against Defendant MSSM in a just and reasonable sum in excess of \$25,000.00, together with his costs herein

expended, and for such further relief as the Court deems just and proper under the circumstances.

COUNT II
PLAINTIFF AGUILAR'S CLAIM AGAINST DEFENDANT MSSM

COMES NOW Plaintiff Aguilar and for Count II of her cause of action against Defendant MSSM, incorporates by reference all prior allegations as though specifically set forth herein and further states as follows:

14. As a direct and proximate result of the negligence and carelessness of Defendant MSSM and Defendant's driver, Plaintiff Aguilar was caused to be struck with great force and violence, which incident caused severe, permanent and progressive physical injuries to Plaintiff Aguilar's neck and back causing all the various and diverse bones, joints, ligaments, tissues, cartilages and muscles to become fractured, ruptured, torn, dislocated, sprained and strained. Plaintiff Aguilar's ability to carry on normal work and labor has been substantially impaired, lessened and restricted, and will in the future continue to be restricted. Plaintiff Aguilar has been forced to incur various surgical, medical, physical therapy and diagnostic expenses as and for reasonable and necessary medical care and treatment of her injuries, and will in the future be forced to incur additional such medical expenses. Plaintiff Aguilar's ability to engage in sporting and recreational activities and to enjoy the ordinary pursuits of life has been permanently impaired, lessened and restricted.

WHEREFORE, Plaintiff Aguilar prays for judgment against Defendant MSSM in a just and reasonable sum in excess of \$25,000.00, together with her costs herein

expended, and for such further relief as the Court deems just and proper under the circumstances.

Respectfully submitted,

PADBERG, CORRIGAN & APPELBAUM
A Professional Corporation
Attorneys for Plaintiffs

/s/ Michael P. Corrigan

Michael P. Corrigan, #37814

Nicole Burlison Knepper, #60025

1926 Chouteau Avenue

St. Louis, MO 63103

314.621.2900

314.621.7607 (facsimile)

michael@padberglaw.com

nicole@padberglaw.com